

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 43, 44, 48-52, 56-59, 62-66, 69-75, and 79-88 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2005/0278771 to Hassell et al. ("*Hassell*") in view of U.S. Patent No. 6,588,015 to Eyer et al. ("*Eyer*") and further in view of U.S. Patent No. 6,807,367 to Durlach ("*Durlach*"); rejected claims 45, 53, and 76 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of *Eyer* and *Durlach* and further in view of U.S. Patent Application Publication No. 2003/0088872 to Maisse et al. ("*Maisse*"); and rejected claims 47, 55, and 78 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of *Eyer* and *Durlach* and further in view of U.S. Patent No. 6,323,911 to Schein et al. ("*Schein*").

By this Amendment, Applicant amends claims 43, 51, 59, and 74 without prejudice or disclaimer.

**I. The Rejection of Claims 43, 44, 48-52, 56-59, 62-66, 69-75, and 79-88 under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of claims 43, 44, 48-52, 56-59, 62-66, 69-75, and 79-88 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness has been established.

Independent claim 43 recites a content reproducing system comprising, among other things:

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

a button that performs both of the following two functions:

- (1) causing the selection means to select the position within the first content item subsequent to the current replay position as the next replay position, and
- (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

(Emphasis added).

*Hassell* discloses an interactive television program guide system provided with digital storage, that allows users to store information associated with recorded programs in a directory in a digital storage device (*Hassell*, abstract). However, as conceded on page 4 of the Office Action, *Hassell* fails to disclose a button that performs both selecting a position within one of the programs and skipping directly to the beginning of another program. Therefore, *Hassell* does not teach or suggest “wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period,” as recited by independent claim 43.

*Eyer* discloses a digital broadcast system that provides interactive features such as skip forward and skip backward (*Eyer*, abstract). Users can play a current track or skip to subsequent or earlier tracks (*Eyer*, abstract). If a user wishes to play “subsequent portions of the current track,” the user can use a FAST FORWARD button (*Eyer*, col. 7, lines 39-41). The amount of fast-forwarding within the current track is

based on the duration the FAST FORWARD button is depressed (*Eyer*, col. 7, lines 50-59). *Eyer* also discloses a SKIP FORWARD button that beings playing the next audio track (*Eyer*, col. 8, lines 5-12).

*Eyer* also discloses that the FAST FORWARD and SKIP buttons may be combined, such that the desired function is achieved by pressing the button for a "specific duration" (*Eyer*, col. 8, lines 19-24). The Office Action alleges that *Eyer's* combined FAST FORWARD and SKIP button corresponds to the claimed button (Office Action at page 4). However, claim 43 recites, "one ... function ... is performed when the button is depressed ... for an amount of time that is less than a predetermined period, and the other ... function ... is performed when the button is depressed for an amount of time that is not less than the predetermined period" (emphasis added).

In contrast, *Eyer* merely discloses that a button is pressed for a "specific duration" to achieve one of the SKIP or FAST FORWARD functions. However, *Eyer* does not disclose or suggest that the "specific duration" is used in a manner analogous to the claimed "predetermined period." To the extent that the Office Action may rely on principles of inherency in mapping *Eyer's* button to the claimed "button," Applicants respectfully refer to MPEP § 2112 (IV), which states: "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art" (emphasis added).

Here, *Eyer's* specific duration does not necessarily operate like the claimed button. For example, *Eyer* does not disclose or suggest that button presses that are

less than the “specific duration” perform one function, while button presses that are not less than the “specific duration” perform a second function. Instead, *Eyer* merely discloses that the button performs a desired function when pressed for a “specific duration,” and is silent as to how the “specific duration” is used to achieve the desired function. Therefore, *Eyer* does not teach or suggest “wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period,” as recited by independent claim 43.

*Durlach* fails to cure the deficiencies of *Hassell* and *Eyer*. *Durlach* discloses a viewing method for progressing through a movie sequence using a dial (*Durlach*, abstract). *Durlach* also discloses that the movie advances more slowly or more quickly depending on how quickly a user rotates a dial, and a “current location indicator 206” that indicates where the user has advanced to within the movie (*Durlach*, col. 13, lines 1-18 and FIG. S4). However, *Durlach* does not teach or suggest “wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period,” as recited by independent claim 43.

For the reasons set forth above, no *prima facie* case of obviousness has been established with respect to claim 43. Independent claims 51, 59, and 74, while of different scope, recite elements similar to those of claim 43 and are thus allowable over

*Hassell, Eyer, and Durlach* for at least similar reasons discussed above with respect to claim 43. Claims 44, 48-50, 52, 56-58, 62-66, 69-73, 75, and 79-88 each depend from one of the independent claims, and are thus allowable over *Hassell, Eyer, and Durlach* at least due to their dependence.

**II. The Rejection of Claims 45, 53, and 76 under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of claims 45, 53, and 76 under 35 U.S.C. § 103(a). Claim 45 depends from claim 43, claim 53 depends from claim 51, and claim 76 depends from claim 74. As already discussed, *Hassell, Eyer, and Durlach* fail to teach or suggest certain features of claim 43.

*Maissel* fails to cure the deficiencies of *Hassell* and *Eyer*. *Maissel* discloses, “[i]n a digital television recording method, programs are selected for recording based on analysis of program schedule information, user preferences, and the priority of previously recorded programs” (*Maissel*, abstract). *Maissel* also discloses a “NEXT” button that can be used to browse forward through the stored programs (*Maissel*, ¶ 368). However, *Maissel* does not disclose that whether the “NEXT” button skips to the beginning of a program depends on how long the “NEXT” button is depressed. Therefore, *Maissel* does not teach or suggest “wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period,” as recited by independent claim 43.

For at least the reasons discussed above, claims 45, 53, and 76 are allowable over the cited references, at least due to their dependence from allowable base claims.

**III. The Rejection of claims 47, 55, and 78 under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of claims 47, 55, and 78 under 35 U.S.C. § 103(a). Claim 47 depends from claim 43, claim 57 depends from claim 51, and claim 78 depends from claim 74. As already discussed, *Hassell*, *Eyer*, and *Durlach* fail to teach or suggest certain features of claim 43.

*Schein* discloses a "television schedule system and method" using an "input device [that] allows the viewer to browse through the schedule information area" (*Schein*, abstract). *Schein* also discloses a "local controller" with a "horizontal scroll mechanism for moving the cursor in an 'x' direction or horizontally across the display screen ... buttons 32, 34 can be configured so that continuous depression of one button 32, 34 moves the cursor horizontally through a plurality of items" (*Schein*, col. 5, lines 45-59). However, *Schein* does not teach or suggest "wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period," as recited by independent claim 43.

For at least the reasons discussed above, claims 47, 55, and 78 are allowable over the cited references, at least due to its dependence from allowable base claims.

**IV. Conclusion**

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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